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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/322,715 05/28/99 HILDEBRANDT

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EXAMINER

SONG, S

ART UNIT

PAPER NUMBER

2874

DATE MAILED:

09/28/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/322,715

Applicant(s)

HILDEBRANDT ET AL.

Examiner

Sarah Song *ms*

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. This application has been filed with one (1) sheet of drawings, which have been objected to by the Office Draftsperson (see attached form PTO-948) but which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "said transition areas" in line 6. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests "said transition regions".

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2874

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 4,798,440 to Hoffer et al. Hoffer et al. discloses a coupling device comprising an optical fiber holder 14 having a top face, a bottom face, narrow side faces between said top face and said bottom face, with transition regions formed between said narrow side faces, and said top face and said bottom face, respectively, and intermediate faces formed in said transition regions; and a receptacle 12 for receiving said holder along a longitudinal insertion direction, said receptacle having inside contact areas contacting said intermediate faces without play. The fiber holder has a substantially cuboid shape, and the intermediate faces are bevels formed along longitudinal edges defined by the cuboid shape. It is noted that the contact areas are defined by a longitudinal V-shaped recess.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer et al. Hoffer et al. discloses a holder as part of a coupling unit of a transmitter module and receiver module, or a transceiver module (see column 1, lines 42-47). The holder is integrated onto a printed circuit board with light-emitting and light-sensing elements. Hoffer et al. does not specifically state the device to be a multichannel module or to form a part of a coupling socket having an open side adapted to receive an optical fiber plug-in connector. However, the holder is essentially a part of a coupling socket, since it is mounted on and electro-optically coupled to the

printed circuit board, with an open side adapted to receive an optical fiber plug-in connector 10 and another open side adapted to receive the light-emitting and light-sensing elements 28,30. Additionally, a multichannel device would have been obvious to one of ordinary skill in the art at the time of the invention was made to transmit a plurality of channels as is common in the art.

*Allowable Subject Matter*

10. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or reasonably suggest, either alone or in combination, rails disposed in the receptacle having two resiliently splayable limbs forming the V-shaped recess, or a contact surface formed from an at least partially plastically deformed section of the limb.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,799,122 to Jeong et al. discloses a multifiber connector with a resilient sleeve member.


13. The prior art documents submitted by the applicant in the Information Disclosure Statement filed on May 28, 1999 have all been considered and made of record (note the attached copy of form PTO-1449).

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

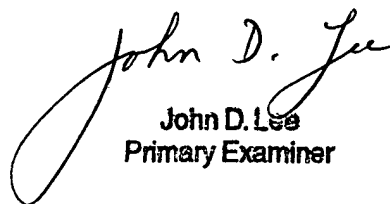
Art Unit: 2874

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Any inquiry concerning the merits of this communication should be directed to Examiner Sarah Song at telephone number 703-306-5799. Any inquiry of a general or clerical nature, or relating to the status of this application or proceeding should be directed to the receptionist at telephone number 703-308-0956 or to the technical support staff supervisor at telephone number 703-308-3072.

  
**Sarah Song**  
**Patent Examiner**  
**Group Art Unit 2874**

SUS  
September 26, 2000

  
**John D. Lee**  
**Primary Examiner**